

2010 MAR 20 AM 8:03
U.S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION
(TW)

In re:

OAKWOOD HOMES CORPORATION,

et. al.,

Debtors.

) Chapter 11
)
) Case No. 02-13396(PJW)
)
)
)
)
) Hearing Date: April 27, 2010 at 10:30 am (ET)
) Objection Date: April 20, 2010 at 4:00 pm (ET)

OBJECTION BY MARGARET L. MILLER (BSI # 4000104817)

Margaret L. Miller (“Miller”) states her objection to the Motion of the OHC Liquidation Trust for Authorization to Deem Certain Property Unclaimed and Redistributable Under the Plan.

In support of her objection, Miller would show the Court the following:

1. Creditor's attorney retains possession of a check dated August 26, 2009 for \$921.25, check number 024360, drawn on Signature Bank of New York on the account of OHC Liquidation Trust, Regarding Oakwook Homes Corporation Chapter 11 Proceedings, claim number 4000104817.

A photocopy of the check referred to above is attached to this objection

2. Inadvertently, delivery of the check to Miller was not made by her attorney, and the check became stale after ninety (90) days.

3. The check has not been negotiated, and the original of the check is available to be surrendered to the trustee in this case.

4. Miller was unable to negotiate the check after the end of November 2009.

5. Miller now seeks to obtain the issuance of a replacement check payable to her for the funds in the amount of \$921.25.

WHEREFORE, Miller seeks judgment on her objection that the Motion of OHC Liquidation Trust be denied is so far as it relates to the funds in the amount of \$921.25 held for Miller and that the Court order the issuance of a replacement check for the funds in the amount of \$921.25 payable to Margaret L. Miller.

LAWRENCE & LAWRENCE, PLLC

By: 

DAVID H. LAWRENCE, TN BPR #020172

Attorney for Margaret L. Miller

200 East Eighth Street

Chattanooga, Tennessee 37402

(423) 756-5031

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and exact copy of this objection has been served upon all parties at interest in this case by placing a copy in the United States mail with sufficient postage thereon to carry the same to its destination, addressed as follows:

MORRIS, NICHOLS, ARSHT & TUNNELL, LLP

Robert J. Dehney

Derek C. Abbott


Curtis S. Miller

1201 North Market Street

P.O. Box 1347

Wilmington, DE 19899-1347

This the 19th day of April, 2010.


David H. Lawrence

Miller, Margaret L.
200 E 8th St
Lawrence, Lawrence & Richardson, PLLC
C/O David H Lawrence
Chattanooga, TN 37402-2201

Check No. - 024360
Check Date - 8/26/09
Amount - \$921.25

OHC LIQUIDATION TRUST
Regarding Oakwood Homes Corporation
Chapter 11 Proceedings

1-1357
260

DATE
8/26/09

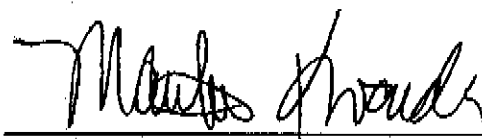
CHECK NO
024360

*Nine Hundred Twenty One and 25/100 ******

***\$921.25

**PAY TO
THE
ORDER
OF** Miller, Margaret L.
200 E 8th St
Lawrence, Lawrence & Richardson, PLLC
C/O David H Lawrence
Chattanooga, TN 37402-2201

Claim # 4000104817
CHECK VOID AFTER 90 DAYS
SIGNATURE BANK
NEW YORK, NY 10022



⑈024360⑈ ⑆026013576⑆ 1500429468⑈